

REMARKS

Applicant acknowledges receipt of an Office Action dated May 4, 2005. In this response Applicant has amended claims 1, 4, 5, 7, 8, and 11. Support for these amendments may be found in the specification, *inter alia*, in the discussion at page 16, lines 19-23 and at page 22, lines 15-18. Following entry of these amendments, claims 1-13 remain pending in the application.

Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

Personal Interview

During a personal interview conducted Mr. Paul Strain and Examiner Brinich discussed the outstanding rejection and claim amendments to overcome the rejection. Specifically, Mr. Strain and Examiner Brinich discussed amendments incorporating “first” and “second” labels to clarify the references to “magnetic particles.”

Rejections Under 35 U.S.C. § 112

On page 2 of the Office Action, the PTO has rejected claims 1-11 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In this response, Applicant has amended claims 1, 4, 5, 8 and 11 to resolve the antecedent basis issues noted in the Office Action in the manner discussed during the above noted personal interview. In view of these amendments, Applicant submits that the outstanding rejection under 35 U.S.C. § 112 is now moot. Applicants note that these amendments do not narrow the scope of the claims.

Allowable Subject Matter

Applicant acknowledges, with appreciation, the PTO’s indication, on page 2 of the Office Action, that claims 12 and 13 have been allowed. In addition, Applicant acknowledges, with appreciation, the PTO’s indication that claims 1-11 would be allowable if amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. Amendments obviating the rejections under § 112 are set forth above.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

Date 8/4/05
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

By P. D. Strain
Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888

Paul D. Strain
Attorney for Applicant
Registration No. 47,369

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.